

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
TC/A.U. 3761**REMARKS/ARGUMENTS**

Claims 1 - 29 are presented for Examiner Hill's consideration.

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

By way of the Office Action mailed June 20, 2006, Examiner Hill rejected claims 1 – 29 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. patent number 5,599,417 to Glaug et al. in view of U.S. patent number 5,940,887 to Rajala et al. The Examiner has stated that Glaug teaches Applicants' invention but does not expressly disclose a fourth-leg elastic band having a greater stretching force than a second-leg elastic band. Rajala et al. discloses a disposable pant-like garment having elastics with varying tensions. Therefore, Examiner Hill concludes that it would be obvious to combine the teachings of these two patents and arrive at Applicants' invention. This rejection is respectfully traversed to the extent that it may apply to the presently presented claims.

Applicants' claimed invention differs over the combination of Glaug et al. and Rajala et al. in that in claim 1, paragraph a), Applicants claim that the first-leg elastic band and the second-elastic bands extend along the first and second ends respectively of the front panel, and they extend from the first side edge to the second side edge of the front panel. The word "along", according to the American Heritage Dictionary, 2nd College Edition, states "in a line with" or "following the length or path of." One skilled in the art would readily recognize that in Fig. 2 of Glaug there is no structure equivalent to Applicants' elastic bands extending along the second end. Nor is there any equivalent structure showing the second elastic band extending from the first side edge to the second side edge. In addition, the pair of first elastic bands 66 in Glaug et al. does not extend from the first side edge to the second side edge of the stretchable front panel or the stretchable back panel. This is true even if one skilled in the art considered the recess area 46 to be the side edges of the front and back panels 52 and 54. Applicants view the first and second side edges of the front and back panels 52 and 54 of Glaug et al. to be the side edges marked 44. The reason for this interpretation is that the two ear portions 48 in Glaug et al. combine with the central areas 60 and 70 to make up what is equivalent to Applicants' front and back panels.

In addition to the above difference, in Applicants' claim 1, paragraph b), Applicants' claim a third elastic band and a fourth elastic band, each extending along the first and second ends of the back panel. The third and fourth elastic bands extend from the first side edge to the second side edge. Again, the same argument as is stated above relative to the front panel applies to the back panel. In addition, Glaug et al. does not show a third elastic band extending along the first end of the back panel from the first side

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edge to the second side edge. Likewise, there is no structural feature in Glaug et al. that shows a fourth elastic band which extends along the second end of the back panel from the first side edge to the second side edge. One skilled in the art would then have to look to the Rajala et al. patent to teach these missing features. Rajala et al. does show a front panel and a back panel with elastics, 48 and 50 respectively, located along an end of each of the respective panels. However, Rajala et al. does not disclose first and second elastic bands secured to the front panel and third and fourth elastic bands secured to the back panel. There is no structure in either patent showing four elastic bands extending along the ends of both of the front and back panels from the first side edge to the second side edge.

A third distinction is that in Applicants' claim 1, paragraphs a) and b), Applicants recite that the first elastic band is secured to the outer surface of the front panel and the second elastic band is secured to the inner surface of the front panel. Applicants also recite that the third elastic band is secured to the outer surface of the back panel and the fourth elastic band is secured to the inner surface of the back panel. The combination of Glaug et al. and Rajala et al. fail to disclose this feature as well. In view of the above differences, Applicants believe that their claimed invention is patentably distinct over the combination of Glaug et al. and Rajala et al. and should be allowed at this time.

For the above reasons, Applicants believe that their independent claims 1, 10, 16, 22 and 29, as well as the claims that depend therefrom, are patentably distinct over the combination of Glaug et al. and Rajala et al. In view of the above remarks, Applicants request that claims 1 – 29 be allowed at this time.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-2455.

Respectfully submitted,
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CERTIFICATE OF TRANSMISSION

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